

REMARKS

Claims 1-4 and 12-14 are all the claims pending in the application. Claims 5-11 have been canceled in view of divisional application 11/018,371 filed on December 22, 2004. Claims 12-14 have been newly added.

Drawings

Applicants have amended Fig. 1 to correct a typographical error. A replacement drawing sheet including Fig. 1 has been attached herewith.

Claim Rejections - 35 U.S.C. § 103

Claims 1 and 3

Claims 1 and 3 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lachinski et al. (US 5,633,946). Applicants respectfully traverse the Examiner's rejection at least because Lachinski lacks more than a rate controller connected to a line management unit. Additionally, even if Lachinski was not deficient in more ways than acknowledged by the Examiner, there is no motivation to modify Lachinski as proposed by the Examiner.

The claimed invention is directed to a system in which a transfer rate can be controlled. With reference to the non-limiting exemplary embodiment shown in Fig. 1, there are a number a picture sources (28-30). These picture sources are operably connected to transmitting apparatus (15-18). The signals are then sent to receiving apparatus (11 and 12) and output to monitors (21 and 24). A cable (101) connects the receiving apparatus and transmitting apparatus. Accordingly, there are several picture sources (28-30) transmitted over the same line (cable 101). In order to have an efficient transfer from the transmitting apparatus (15-28) to the receiving apparatus (11 and 12) the transfer rate is controlled based upon the transfer capacity of the cable

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U.S. Application No. 09/982,771

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AMENDMENTS TO THE DRAWINGS

Please find one attached replacement sheet including Fig. 1, in which the reference numeral for the broadcast signal receiving apparatus has be changed to "30."

Attachment: Replacement Sheet

(101) and the used transfer capacity (i.e. the data transfer rate under which the cable 101 is presently being used). (*See* Specification page 23, lines 6-15) In this manner signals from the picture sources (28-30) to the monitors (21 and 24) can be transferred effectively. Claims 1 and 3 are not limited to the specific embodiment of Fig. 1, but they do set forth the feature of basing a transfer rate on the transfer capacity of a communication line and the used transfer rate. Specifically, claims 1 and 3 set forth controlling a transfer rate based upon the transfer capacity of the vehicle-inside communication line and transfer rate information indicative of a transfer rate used in the vehicle-inside communication line.

Lachinski is directed to collecting video and spatial position information. In order to accomplish this, Lachinski includes video cameras (50) which the Examiner considers picture sources. The video cameras (50) continuously send signals to a router (23) and the router (23) provides selected video camera (50) signals to a video tape recorder (20) and several monitors (54A-54D). (*See* column 5, lines 10-18; column 7, lines 49-60; and Fig. 3)

As noted above, claims 1 and 3 set forth controlling a transfer rate based upon the transfer capacity of the vehicle-inside communication line and transfer rate information indicative of a transfer rate used in the vehicle-inside communication line. Lachinski is deficient at least with regards to several features of claims 1 and 3. As the Examiner acknowledges, Lachinski does not teach controlling transfer rates based on a transfer capacity and used transfer rate information. In fact, Lachinski does not discuss the transfer capacity of any communication line and does not teach anything that could be considered as reading on this feature of the claimed invention. The Examiner notes that Lachinski teaches a time code generator. It appears as though the Examiner believes that this constitutes a transfer capacity. However, the time code

generator is merely used to mark the frames on a video for particular times, for reference purposes. (*See* column 6, lines 35-63) The ability to mark frames of a videotape does not meet the transfer rate as claimed. Additionally, even if the time code generator did represent a transfer rate of the video recorder (20), the video recorder (20) is not a communication line, and the transfer rate of the video recorder could not be considered a transfer rate of a communication line.

The Examiner cites column 4, lines 24-34 of Lachinski as reciting a communication line. That section teaches a link between a control computer (16) and a mapping computer (12). Even if the link were a communication line, the link is not the video tape recorder (20) or even connected to the video tape recorder (20). (*See* Fig. 2) Therefore, the time code generator of the video recorder does not appear to be related to the alleged communication line.

Claims 1 and 3 also recite a used transfer rate through a communication line. The Examiner notes that the video cameras (50) are capable of obtaining images at a rate of 30 frames per second and it appears as though the Examiner consider this a used transfer rate. However, the video camera capability cannot be considered a used transfer rate. The used transfer rate is the actual transfer rate in the communication line. The Examiner merely cites a capability of the video cameras (50), not a rate of transfer that is actually being determined at a particular time. Also, the video cameras (50) are not connected to the connection between the mapping computer (12) and the control computer (16), which the Examiner identifies as the communication line. (*See* Figs. 2 and 3) Thus, even if the video camera (50) capability were a used transfer rate, it would not be a used transfer rate of the communication line.

Claim 1 additionally sets forth a data converter in the transmitting apparatus which converts a picture signal to picture data having a predetermined transfer rate. Lachinski merely teaches a router (23) sending signals from different video cameras (50) to a video tape recorder (20). There is no indication that the signals are converted in any manner. The Examiner asserts that there is a predetermined transfer rate because the video cameras are capable of obtaining images at a rate of 30 frames per second. (column 6, line 64 to column 7, line 2) Even if this were considered a predetermined transfer rate, this is the rate of the original signal from the video camera (50). There is no indication that the signals are ever converted to a particular rate or form.

Finally, even if the Examiner's assertions about the transfer capacity and the transfer rate were correct, the Examiner still would have failed establish a *prima facie* case of obviousness. The Examiner claims that all of the information of the claimed invention is available and thus it would have been obvious control Lachinski in the manner of the claimed invention. However, in order to establish a *prima facie* case of obviousness, there must first be some suggestion or motivation to modify the reference. (MPEP 2143) Even if the Examiner's assertion that the same information is available in Lachinski as in the claimed invention were correct, the Examiner has not identified any source of motivation for using the information to control transfer rates as set forth in claims 1 and 3. It is not enough that a reference could be modified, there must be motivation to actually modify the reference. In this case the Examiner has provided no such motivation. Accordingly, the Examiner has failed to establish *prima facie* obviousness.

At least for the reasons argued above, claims 1 and 3 are allowable over Lachinski.

Claims 2 and 4

Claims 2 and 4 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lachinski in view of Young (US 6,320,612). Claims 2 and 4 depend from claims 1 and 3 respectively. The Examiner cites Young only for the proposition of a rear-sight camera. Accordingly, Young fails to correct the above noted deficiencies with respect to claims 1 and 3. Since, the combination of Lachinski and Young fails to teach or suggest all of the features of claims 1 and 3, the combination certainly fail to teach or suggest all of the features of dependent claims 2 and 4.

Additionally, the Examiner has not provided sufficient motivation for combining Lachinski and Young. The Examiner asserts that one of ordinary skill in the art would be motivated to modify Lachinski as taught by Young in order to limit the use of the rear monitoring camera. However, Lachinski is directed at collecting video and spatial position information. (See Summary of the Invention) As such, a signal from the rear camera in Lachinski is useful other than when a back-gear is engaged. Even when the vehicle in Lachinski is moving forward, Lachinski is interested in receiving a rear camera signal for the provided position information. Accordingly, one of ordinary skill in the art would not be motivated to modify Lachinski to limit the use of the rear camera.

New Claims

Applicants have added new claims 12-14 to provide more varied protection for the invention. New claims 12-14 are fully supported by the originally filed specification. Accordingly, no new matter has been added.

New claim 12 recites controlling a transfer rate on the basis of the transfer capacity of a communication line and the used transfer rate of the communication line. Therefore, it should be

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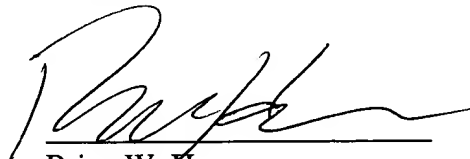
allowable for similar reasons to those set forth above with respect to transfer rate control of claims 1 and 3. Claims 13 and 14 depend from claim 12 and should be allowable at least because of their dependency.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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